

#### 1.0 BACKGROUND OF THE STUDY

The role of education is fundamental in the individual, social and national development. A sound and effective system of education result in unfolding the learners' potential, enhancement of the competencies and transformation of their interest, attitude and values. Those who get education can significantly contribute to their families and society in their developments, thus creating a stable and stimulating community. Education helps countries to grow economically since it is about getting knowledge and being able to apply the gathered knowledge judiciously to our lives together with improving other people's lives. When we communicate and share our opinions with other people from different countries and cultures, it widens the horizons and helps us in better understanding about each other. Educated people are treated as equals irrespective of their caste, race, gender or religion. It teaches us to lead the life in harmony. The National Knowledge Commission stressed the need of establishing the educational institutions and enhancing the access of quality education at all levels. The Millennium Development Goals (MDG) and 'Education for All' (EFA) movement in the world have accelerated the efforts of the government, especially in developing countries for 'Universalization of Elementary Education' (UEE). India has been striving hard with various policies and programs, but, the country faces certain issues which are primarily related to access to education, quality, equality and equity.

The international commission on education for the twenty first century (1993-96) appointed by UNESCO considered various aspects of education needed for the 21<sup>st</sup> century. The four pillars are, I. Learning to know which means providing that education which will benefit throughout the life. II. Learning to do which means not only acquiring vocational or occupational skill but also to learn to solve problems and learn to work in group and learn team spirit. III. Learning to live together which means developing understanding between social groups, working on different projects together, solving conflicts between. IV. Learning to be. Education not only shapes the behavior of the individuals but also helps in the transformation of rich cultural heritage to the next generation. When the purpose of education is modification of behaviour and it teaches people adaption in society, it becomes his duty to pass it on to the benefit of

human kind. Therefore, society establishes and develops institutions for achieving the modification of behavior and passing on cultural heritage to the successive generation. These agencies of education carry out the function of imparting knowledge. A child may receive education in a formal or informal manner through these agencies. Formal agencies are the institutions and organizations set up by the society deliberately with the exclusive aim of imparting definite part of knowledge in a fixed environment. They have clearly defined objective, definite curriculum, fixed place, time, teachers and students. They have a definite evaluation system also to measure their level of understanding. Here, everything is pre planned. School is one such place of formal education.

Formal education through schools remains unique with its advantages. Attending school gives an opportunity to the child to mingle with the children of his/her age which is very important in the development of personality and individual skills. When children converse with their peers, they learn how to make personal decisions and choices. Along with classroom interactions, they are able to participate in various activities and games. Learning to adjust with friends helps them to learn the lessons of adjustment in the society, which in turn make them emotionally healthy and independent. Thus, education proved to be very essential for the development of an individual. In India, there are different types of schools based on the levels of education, ownership of the institution and based on educational board affiliations.

### **1.1 STRUCTURE OF SCHOOL EDUCATION SYSTEM IN INDIA**

The New Education Policy (NPE) 2020 brought changes in the structure of school education to 5+3+3+4 structure covering children of age group 3-18 instead of the 6-14 years system that existed. This change brought the children of age group 3-6 years also under the school curriculum which has been accepted globally as a very important stage in the development of a child. The first five years of school constitutes the 'foundation stage' consisting of play based learning, including three years of pre-primary school, class 1 and 2. The next three years are divided into a preparatory stage from grade 3 to 5 where children get acquainted with different subjects. The policy encourages the teaching up to grade 5 in mother tongue but no language is imposed on the child. This is followed by three years of middle stage that is from grade 6 to 8. Here the students are introduced to learning and discussion on different subjects with more abstract concepts. New subjects such as coding and computational thinking are introduced at the middle level. Finally, the secondary stage which consists of four years of interdisciplinary study where children learn with deeper depth and critical thinking and with choice of subjects.

NEP 2020 proposed an examination system to assess various aspects of development, knowledge, skill and its applications rather than rote learning, aiming a 360 degree assessment. Prior to NEP 2020, Indian school education system had four stages: lower primary, upper primary, Secondary and Higher Secondary School Education. The schooling lasted for 12 years, following the 10+2 structure. Pre-primary education is provided by private schools and government ICDS (Anganwadi) centres. In addition to that, there were some ECCE (Early childhood Care and Education) centres which ran under Sarva Shiksha Abhiyan (SSA, 2001). Pre-schooling consisted of Play schools (for children of age 18 months to 3 years) and Kindergarten (lower kindergarten and upper kindergarten). Primary school education was divided into two; Primary schooling from first to fifth grade (6 to 10 years) and Upper primary schooling from sixth to eighth grade. Secondary school education consists of two years of lower secondary and two years of higher secondary education. The lower secondary education is of ninth and tenth standard (14 to 16 years). Higher secondary school education or senior secondary education consisted of two years of higher secondary education, which started at approximately 16 years and ends at 17 years. The National Council of Educational Research and Training is the apex body for the development of school education in India. The NCERT provides support and technical assistance to a number of schools in India and overseas in many aspects of enforcement of education policies.

As per ownership, schools are divided into Government educational institutions, Local body institutions, Private aided Institutions and Private unaided institutions. Government educational institutions are run by the central government or state government, public sector undertaking or autonomous organizations and are fully financed by the government. Examples of these types of schools are state government schools, Kendriya Vidyalayas, Ashram Schools, Navodaya Vidyalaya, Sainik Schools, Military Schools, Air Force Schools and Navel Schools. The local body institutions are run by the concerned municipal committees/ corporations/ NAC/ Zilla Parishads or Panchayat Samitis. Private aided Institutions are managed by private trusts but receive regular maintenance grant from the government, local body or any other public authority. The rules and regulations followed are the same as that of public schools. The curriculum, study materials, syllabus, examinations, etc. are also as per the government rules. For the higher classes, exams are also like that of public schools. Private unaided institutions are managed by an individual or private organization and they do not receive any grant from the government, local body or any other public authority. The fee structure is also not same as

that of other institutions. They usually have their own curriculum and organize examinations for evaluating the student competency.

As per educational board affiliations, educational institutions can be categorized on the basis of educational board affiliations as Central Board of Secondary Education (CBSE), Council of Indian School Certificate Examinations (ICSE), State Government Boards, National Institute of Open Schooling, etc. Some international boards like, International Baccalaureate Organization (IBO) and Cambridge International Examinations (CIE) are also followed in India.

## **1.2 ELEMENTARY EDUCATION IN INDIA**

The objectives of National Education Policy, 2020 were aiming at transforming and improving the quality of elementary education in the country. The objective of elementary education is universal access and participation: ensure equitable access to quality education for all children in the age group of 3 to 18 years. NEP 2020 stresses the importance of a strong foundation in early childhood and integrated early childhood care and education (ECCE) into formal learning, promoting play based learning and ensuring access to quality preprimary education to children of age 3 to 6. Thus elementary stage consists of foundation stage (3 to 8 years), preparatory stage (8 to 11 years) and middle stage (11 to 14 years). The foundation stage consists of activity based learning focusing on ethics, personal and public hygiene, behavior, teamwork etc. preparatory stage is a transition from play based learning to more formal learning. During the middle stage, focus is on subject learning and learning of abstract concepts in science, mathematics, social Science and humanities. The policy introduced a flexible and multidisciplinary curriculum for elementary education. It promotes an activity based learning approach to enhance critical thinking and problem solving skills among students. It is the foundation stage of a child when the physical, mental, emotional, intellectual and social development is laid. Thus it is important that the foundation is laid strong. Moreover, it is very important in removing illiteracy, making it vital in the efficient functioning of the democratic institutions. Thus elementary education has proved to be very essential for the development of the individuals. It contributes at the micro as well as macro level.

Universalisation of Elementary Education (UEE) has been the focus point in many major international conferences. Many projects were started at international level for the attainment of Universalisation of Elementary Education. Education For All (EFA) is a global movement led by UNESCO, UNDP, UNFPA, UNICEF and World Bank in 1990 aiming at learning needs

of children, youth and adults by 2015, 'accelerating progress towards quality universal primary education'. It aimed at bringing the benefit of education to every citizen in every society. At the World Education Forum (Dakar, 2000), 164 governments agreed to the commitment to achieve EFA. They identified six goals to be achieved by the year 2015. In 2000, 189 countries and their partners adopted the two EFA goals that align with Millennium Development Goals (MDGs) which refer to universal primary education and gender parity. The Millennium Development Goals (MDGs, 2000) were the eight international development goals for the year 2015 that had been established after the millennium summit of the United Nations in 2000. An important development goal among the eight goals was to achieve universal primary education—that is by 2015, all children (both girls and boys) complete a full course of primary schooling, both enrolment in primary education and completion of primary education. It also stressed on gender equality by maintaining the ratios of girls and boys at all levels of schooling. The Sustainable Development Goals, (SDGs) are the collection of 17 global goals set by United Nations in 2015 to succeed the Millennium Development Goals (2000) which ended in 2015. One of its goals was to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. A lot of progress has been made in the access to education, especially at the primary school level for both boys and girls. Access does not always mean enrolment of children or completion of primary school; children fail to meet the minimum proficiency even after the completion of primary education. Thus the target is to ensure that, by 2030, all girls and boys complete free, equitable, and quality primary and secondary education.

Universalization of Elementary Education implies elementary education for all without any kind of discrimination on the basis of caste, creed, sex, religion or region. This concept accepts that education is the birth right of every child. In order to achieve the goal of UEE and balanced regional development through education, importance of micro planning is emphasized in major programs and policies. Universalization of Elementary Education involves three stages, a) Universal Access b) Universal Enrolment and Retention c) Quality Education.

### **1.3 MAJOR RECOMMENDATIONS OF POLICIES FOR ELEMENTARY EDUCATION IN INDIA**

There are evidences that show that educational policies existed during 1000 AD itself when Aryans settled in India. But, till British period, there were no efforts for universalization of education; instead most of the educational institutions were the monopoly of a particular group

which was on the basis of caste and gender. During the renewal of the Charter of East India Company, they decided to frame an educational policy that became the base for a clear educational policy in India. The result of this was Wood's Education Dispatch (1854) which was later described as the 'Magna Carta of English education in India'. It recognized the responsibility of government for elementary education in vernacular medium. The education commission of 1882 (Hunter Commission) made significant contribution by suggesting transferring of responsibility and control of elementary education to the local community. At elementary level, the commission recommended the training of teachers to raise the standard of primary education. It promoted the role of government responsibility for education. In 1911, an Elementary Education Bill (Gokhale's Bill) was introduced to establish compulsory elementary education as a state responsibility. Hartog Committee Report on Education (1929) also recommended compulsory Primary education. It stressed on quality improvement at primary rather than increasing the number of primary schools.

At the time of independence when Central Advisory Board of Education (CABE) was set up, there started discussion on a provision for free and compulsory education till the age of 14 years which was later included in the Directive Principles of state policy of Indian constitution. The goal was to achieve universal elementary education by 1960. The constitution of India which came into existence in the year 1950 clearly stated the policy of free and compulsory education without any discrimination which will be the responsibility of both the centre and the state. Indian Education Commission (1964 – 66) popularly known as Kothari commission suggested provision for the programme for universal enrolment and to establish primary schools within the distance of 1 km and upper primary schools within 3 km from the home of a child. It suggested a) Internal transformation b) Qualitative improvement c) Expansion of educational facilities. The National Policy on Education (1968) recommended total reformation and aimed at extending education to all sections of society. The policy suggested compulsory education as proposed in the constitution. Major changes in the primary education were brought by National Policy on Education, 1986. Its major objective was to provide education to all sections of society like, scheduled castes, scheduled tribes, other backward classes and women, who were deprived of educational opportunities for centuries. Both the NEP and its PoA (1992) highlighted the need for providing quality education to the hard-to-reach, marginalized and disadvantaged group of children.

The enactment of the Right to Education Act (RTE) and the introduction of the New Education Policy (NPE) 2020 are the two important milestones in India's education policy landscape over

the last two decades. The RTE describes the modalities of free and compulsory education for children in the age group of 6-14 years and improving the quality of education. On the other hand, the NPE tries to introduce global education patterns in Indian education system and provide students with a more holistic education. The National Education Policy (NPE), 2020 was released on July 30, 2020. Key recommendations of the NPE include: (1) redesigning the structure of school curriculum to incorporate early childhood care and education, (2) curtailing dropouts for ensuring universal access to education, (3) increasing gross enrolment in higher education to 50 percent by 2035, and (4) improving research in higher education institutes by setting up a Research Foundation.

At the macro level, there are three clearly identifiable challenges in India's school education system- inequitable access to education, out of school children and poor learning outcomes. The NEP states that the Right to Education Act, 2009 could attain universal enrolment to an extent in elementary education, but retaining children for continuing in school remains a challenge for the system. As per the data of 2015-16, Gross Enrolment Ratio was 56.2 percent at the senior secondary level which is much less as compared to 99.2 percent at the primary level. Data for all groups show a decline in GER as we move from primary to senior secondary for all groups. This decline is especially high in the case of Scheduled Tribes. So, the recommendation of NEP is to strengthen the existing schemes and policies targeted for socio-economically disadvantaged groups, to tackle dropouts. Further, it recommends setting up special education zones in such areas where the proportion of such disadvantaged groups is significantly high. To make education more inclusive, The NEP proposes the extension of the Right to Education (RTE) to all children up to the age of 18 and aims to bring Gross Enrolment Ratio (GER) to 100% by 2030. The NEP 2020 recommends open schooling system to bring the out of school children back into the mainstream. Thus the New National education Policy also align with Right to Education to make the education system in India meet the needs of the 21st century and the Sustainable Development Goals 2030. The NEP 2020 is the education policy of the 21<sup>st</sup> century which came after the release of National Policy on Education (NPE), 1986. The five pillars of this policy are Access, Equity, Quality, Affordability and Accountability. This aligns with the 2030 agenda for Sustainable development and aims to transform India into a global knowledge superpower.

Right to Education Act, 2009 can be considered as the most important step towards the attempt of providing quality education to marginalized section of society. Later, NEP 2020 was brought

in with a hope of strengthening the provisions as well as the spirit of the RTE Act, introducing new dimensions in keeping with India's national and international commitments. The National Education Policy 2020 strengthens the RTE Act 2009 as it takes care of the needs of the major stakeholders of education- the students, teachers and parents. Emphasis is given to imparting education through mother tongue of the child which promote easier learning and better understanding. The students would be taught via modern pedagogies and a lot of importance is given in providing technical skills to children. Introduction of greater flexibility in the choice of subjects, curricular, co-curricular and extra-curricular, sports and vocational crafts would help students to progress at their pace and in their own area of interest. The teachers would be better trained and teacher training curriculum would be reviewed. The parents would get access to better institutions for admission of their child along with the financial assistance from the government for the same. RTE aims to provide equitable access to quality education and the NEP strengthens the educational infrastructure, especially in the rural areas. Sufficient care is taken in RTE Act and NEP 2020 to ensure that rural areas are also self-reliant in providing education to the rural population.

#### **1.4 FLAGSHIP PROGRAMS IN INDIA AND THEIR CONTRIBUTIONS**

Many different projects were initiated by the central as well as different states for the promotion of educational sector and to improve access to quality elementary education and Universalization of Education. Operation Black Board (OB) was a centrally sponsored program which was started in 1987, to supply the bare minimum crucial facilities to all primary schools in the country. In the ninth five year plan, the scheme was extended to all upper primary schools as well with some additional provisions. Shiksha Karmi Project (1987) was an educational program to address the factors led to the educational backwardness in the state of Rajasthan. The program chiefly focused on ensuring universal accessibility and in providing context based education to all children. The crucial innovation in the Shiksha karmi project was identifying local women and men (with some minimum qualifications) called Shikshakarmis (education workers) who, after systematic training, could teach children in the defunct primary schools and ensure that all children become a part of the educational process. The Shikshakarmi project document (1986) had revealed that the major hindrance in the universalization of education was the enrolment of girls. To improve the enrolment of girls, it was important that women are trained as shikshakarmis in large numbers. Preparing Mahila (women) Shikshakarmis, therefore became the priority in the project.

Minimum Levels of Learning (MLL, 1990), was an attempt to combine quality with equity to ensure well defined standard of learning. The need to lay down MLL emerges from the basic concern that irrespective of caste, creed, location or sex, all children must be given access to education of a comparable standard. Lok Jumbish Programme (1992) was founded on the principle of autonomy, decentralization and gender sensitivity, addressing the learning needs of rural children of Rajasthan. Uniqueness of Lok Jumbish design consists in creating space for experimentation and contextually relevant planning, not only in different geographical regions of Rajasthan but also in each component of elementary education, viz., formal schools, non-formal learning centres including special camp based education and school building construction programs. At the state level, LJ had created a forum 'Samvadika' for ensuring the focus on girls, women's participation and making informed decisions on operational issues of the project with gender sensitivity. The objective was to bring education as an agent of basic change in the status of women. District Primary Education Program (DPEP) which was launched in 1994 was a centrally sponsored program to strengthen the primary education system in India and achieve the objective of universalization of primary education. The scheme adopted a holistic approach with provision for universal access, retention, improve learning achievement and reduce disparities among social groups. Its major objectives were, to reduce dropout rate, to reduce the disparities in gender and to improve the level of learning achievement.

Mid-Day Meal scheme (MDM), 1995 is a program of government of India, in which government provides free food grains to the children studying in primary and upper primary level of schools which was aimed at boosting up Universalization of Elementary Education initiatives by increasing enrolment, retention and attendance. Sarva Shiksha Abhiyan (2001) was initiated by the government to carry forward the constitutional commitment to provide equal educational opportunity to all. It is a Flagship Program for the achievement of Universal Elementary Education in a time bound manner, as mandated by 86th Amendment to the constitution of India making free and compulsory education to all children of age group 6-14 as a fundamental right. It focused on institutional reforms, sustainable financing, community ownership, institutional capacity building, improving mainstream educational administration, community based monitoring with full transparency, accountability to community, priority to girl's education and inclusion and participation of children from SC/ST, minority groups, children of other disadvantaged groups and children with special needs. The scheme aimed to improve enrolment, retention and the quality education to enable children to achieve grade

appropriate levels of learning. The Kasturba Gandhi Balika Vidhyalaya Scheme (KGBV, 2004) was launched by the government of India in August 2004 for setting up residential schools at upper primary level for girls belonging to the SC, ST, OBC and minorities in difficult areas. The objective of KGBV was to make sure the access and quality education to all the girls from disadvantaged groups by arranging residential schools at upper primary level. All these various programs also contributed in the effort towards aim of universal education in India.

### **1.5 HISTORY OF RIGHT TO EDUCATION ACT, 2009**

Access to high quality elementary education is the fundamental right of every citizen. The enactment of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 was a step towards this. The 86<sup>th</sup> amendment, 2002 made specific provisions in the Indian constitution for the realization of providing free and compulsory education to children between the age of six and fourteen years as a fundamental right. The effort of the government for the education of Indians began when the British Government decided to spend a total of 1 lakh rupees for the education of Indians with the formation of the Charter Act of 1813. This could be considered as the first formal educational policy of India for directing the course of education in the country. Lord Macaulay and Lord William Bentinck advocated the use of English for education. During the renewal of the Charter of East India Company, they decided to frame an educational policy that would become the base for a clear educational policy in India. The result of that was Wood's Education Dispatch (1854) which was later described as the 'Magna Carta of English education in India'. It recognized the responsibility of government for elementary education in vernacular medium. It also stressed on women's education. The education commission of 1882 (Hunter Commission) made significant contribution by suggesting transferring of responsibility and control of elementary education to the local community. It stated that primary education should aim not only at the students to enter into higher education, but it should aim at spreading public education. It also stated that the government should make constant effort for the progress, expansion and development. At elementary level, the commission recommended the training of teachers to raise the standard of primary education and the subjects should be those that have practical value in life. It promoted the role of government responsibility for education.

History of RTE Act, 2009 went back to time when Gopal Krishna Gokhale presented the Free and Compulsory education Bill in the imperial Legislative Assembly. In 1911, an Elementary Education Bill (Gokhale's Bill) was introduced to establish compulsory elementary education

as a state responsibility. The bill introduced provisions for banning the child labor of boys and the enforcement of school attendance. Primary education bill was passed in 1920 and 1930 in most provinces of India, and placed control over primary education in the hands of local authorities. Hartog Committee Report on Education (1929) also recommended compulsory Primary education. It stressed on quality improvement at primary rather than increasing the number of primary schools. Leaders and thinkers of Indian independence struggle also believed that expansion of education only would bring betterment of the Indian population. At the time of independence when Central Advisory Board of Education (CABE) set up two commissions, one was for secondary education and the other was for university education. Later, there started discussion on a provision for free and compulsory education till the age of 14 years which was later included in the Directive Principles of state policy of Indian constitution. The goal was to achieve universal elementary education by 1960. The constitution of India which came into existence in the year 1950 clearly stated the policy of free and compulsory education without any discrimination which will be the responsibility of both the centre and the state. After this, government established many education commissions to address the challenges and problems in the educational field so that the education system in India can be improved. These policies were influenced by the education commissions that were set up from time to time. Mass education was one of the important aims in all five year plans.

University Education Commission (1948), the first commission appointed after independence and Secondary Education Commission set up in 1952 made a lot of recommendations for the university and secondary education. Indian Education Commission (1964 – 66) popularly known as Kothari commission observed that “the destiny of India is now being shaped in her classrooms”. The commission noted that ‘if the change is to be achieved without any violent revolution, the only instrument is education’. It claimed that the objective of elementary education should be to prepare responsible and useful citizens. The commission suggested provision for the programme for universal enrolment and to establish primary schools within the distance of 1 km and upper primary schools within 3 km from the home of a child. The commission came to the conclusion that Indian education needs drastic reconstruction, almost a revolution to realize the constitutional goals. It needed a) Internal transformation b) Qualitative improvement c) Expansion of educational facilities.

The National Policy on Education (1968) was based on the report and recommendations of The Indian Education Commission. The National Policy on Education recommended total reformation and aimed at extending education to all sections of society. The policy suggested

compulsory education as proposed in the constitution, encouragement of regional languages, encouraging English as the medium of instruction in schools, due consideration to Hindi as it is the national language and development of Sanskrit which is the symbol of India's national heritage. Thus the policy advocated the 'three language formula'. The policy recommended the government that 6 percent of the national income be spent on education. The policy received a lot of attention as it could give direction to the educational system in India. Major changes in the primary education were brought by National Policy on Education, 1986. The major objective of National Policy on Education (NPE, 1986) was to provide education to all sections of society like, scheduled castes, scheduled tribes, other backward classes and women, who were deprived of educational opportunities for centuries. The NPE, 1986 called for a 'child centred approach' in primary education, and launched 'Operation Blackboard' (1987) to improve primary schools nationwide. National Program of Action of 1992, considered modifications in NPE, and stressed on the importance of national integration, the need for transformation of the system and focus on quality improvement, developing moral values and bringing education closer to life. Both the NEP and its PoA highlighted the need for providing quality education to the hard-to-reach, marginalized and disadvantaged group of children. It provided significant direction for the implementation of various policies on education.

Acharya Ramamurty Committee sought the first recommendation for the inclusion of a fundamental right to education in 1990. The legal breakthrough came in 1992 in Mohini Jain Vs Karnataka case when the Supreme Court held the view that the Right to Education was associated with the fundamental right enshrined in the constitution that every citizen has the right to education. The Supreme Court reconsidered the same judgement in the case of Unnikrishnan Vs State of Andhra Pradesh (1993) and stated that, though right to education was not stated in the constitution directly, it was implicit in the fundamental right to live with dignity given in the article 21 when it is considered in concurrence with the directive principle on education as in Article 41. The bill introducing free education was first drafted in 2003 and then presented to MHRD in 2005. In 2008, Union Cabinet approved and presented it in Rajya sabha which passed it in July 2009. Rajya sabha passed it in August 2009 and it got presidential consent in 2010.

**Table: 1.1***Chronological events leading to the RTE Act, 2009*

<b>YEAR</b>	<b>EVENTS</b>
1906	Gopal Krishna Gokhale's plea to the imperial legislative council for free and compulsory education.
1917	The first law on compulsory education passed (Patel Act)
1918-30	Compulsory education act in the British Province of India
1930	Hartog Committee for quality education
1944	Sargent Plan for achieving UEE (Universal Elementary Education) by 1984
1948	The United Nations adopted the Universal Declaration of Human Rights, UDHR and declared education as a fundamental Right in Article 26.
1949	Advisory Committee rejected free and compulsory education as a fundamental right and defined it as 'Directive principle of state policy'
1950	Article 45 of the Directive principle of state policy of the newly adopted constitution of India assures free and compulsory education for all the children until completion of 14 years.
1975	Central government declares primary education as a joint responsibility of the centre and state and puts it on the 'Concurrent list' in an amendment (42 <sup>nd</sup> ) to the constitution.
1990	Acharya Ramamurty's first official recommendation to include education as a fundamental right.
1993	Landmark judgement in Unnikrishnan J Vs state of Andra Pradesh held the view that education is a fundamental right when connected with Article 21.
1997	83 <sup>rd</sup> Amendment bill was introduced in the Raja sabha proposing the introduction of Article 21 A
1999	Tapas Majumdar Committee was set up which encompassed insertion of Article 21A
2003	First draft of the Right to Education bill circulated for public review
2005	Redraft of the bill by Central Advisory Board of Education (CABE) Committee and its submission to MHRD.
2008	Right of Children to Free and Compulsory Education Bill introduced in the Rajya Sabha and the bill refereed to the Parliamentary standing committee.
2009	Rajya Sabha cleared the bill with minor changes to the 2008 draft bill On August 4, the Lok Sabha clears the Bill. President of India permits the Bill on August 26 and brings the bill into force as an Act.
2010	The Right of Children to Free and Compulsory Education came into force on 1 <sup>st</sup> of April.

Thus there was a long struggle for the provision of free and compulsory education in India and then the Right to Education which gives the right to gain education to every child born in India was evolved. This Act helped the children to get education to develop their skills for a better future. It provided a concrete constitutional provision for education as their birth right. The Right to Education is the most important reformation in the Indian Education system.

## **1.6 CONSTITUTIONAL PROVISIONS REGARDING FREE EDUCATION IN INDIA**

Constitutional provisions exercised direct as well as indirect bearing on education at different stages. There are mainly three provisions in the constitution of India to see that the children receive free and compulsory elementary education.

1. Free and Compulsory education
  - a) Article 45: the state shall endeavor to provide early childhood care and education for all children until they complete the age of fourteen years.
2. Right to Education
  - a) Article 21 A: Right to Education – The Constitution ( Eighty Sixth Amendment) inserted Article 21 A in the constitution of India to provide free and compulsory education to all children in the age group of six to fourteen years as a fundamental right in such a manner as state may, by law determine.
  - b) 93<sup>rd</sup> Amendment (Primary Education a Fundamental Right) - Now by 93<sup>rd</sup> amendment of the constitution, the primary education has been made a ‘Fundamental Right’. It has become a legal right.

Since Article 21 A is a fundamental right, it is legally enforceable by the court for violation. But Article 45 is a directive principle, so it cannot be enforced by courts for violation and the government cannot be compelled to implement them.

3. Fundamental duties to provide opportunity for education
  - a) Article 51 A- A (k): This was added by the 86<sup>th</sup> Constitutional Amendment Act, 2002. As per this, it becomes the duty of the parents to provide for adequate educational opportunities for the development of a child aged 6-14 years.

## **1.7 THE RIGHT TO EDUCATION (RTE) ACT, 2009**

The Right of Children to Free and Compulsory Act, 2009 or Right to Education (RTE) Act, 2009 provides a legal framework which entitles all children of age group 6-14, free and compulsory education, attendance and completion of elementary education. It became the right of children to get education of equitable quality based on the principle of equity and non-discrimination. Right to education is recognized as a universal human right. It not only aims at providing elementary education, but it guarantees quality of education without discrimination. The universal declaration of Human Rights states that everyone has the right to get education; hence the right applies to all individuals, although children are understood as main beneficiaries. The government of India declared it in India on April 1, 2010.

RTE Act, 2009 became a constitutional right with the inclusion of Article 21 A in the constitution with the eighty sixth amendment. Article 21-A incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age groups. Thus it becomes the obligation of the central and state government to implement this fundamental right as mentioned in the Article 21 A of the Constitution, in accordance with the provision of RTE Act.

The bill was approved by the cabinet on 2<sup>nd</sup> July 2009. Rajyasabha passed the bill on 20<sup>th</sup> July 2009 and Loksabha on 4<sup>th</sup> August 2009. It received Presidential assent and was notified as law on 26<sup>th</sup> August 2009 as The Children's Right to Free and Compulsory Education Act. The law came into effect in the whole of India except the state of Jammu and Kashmir from 1<sup>st</sup> April 2010. Education in the Indian constitution is a concurrent issue and both centre and states can legislate on the issue. The act lays down specific responsibilities for the centre, state and local bodies for its implementation. The states have been clamoring that they lack financial capacity to deliver education of appropriate standard in all the schools needed for universal education. Thus it was clear that the central government will be required to subsidize the states. Thus in April 2010, the central government agreed to share the funding for implementation of law in the ratio of 65 to 35 between the centre and the states which later increased to 68% and a ratio

of 90 to 10 for north eastern states. Though the law was framed for the age group 6 to 14, a critical development came in 2011 with the decision taken in principle to extend the right to education till class X (age 16) and into the preschool age range. Thus India became one of the 135 countries to make education a fundamental right of every child, when the act finally came in to practice in April 2010.

The RTE Act provides for the right of children to free and compulsory education till the completion of elementary education in a neighborhood school. As per modal rules prescribed under RTE Act, 2009, a primary school is provided at a distance of 1 kilometer and an upper-primary school is provided at a distance of 3 kilometers, though the states have notified their own neighborhood norms as per their requirement. Government also provides various facilities to students at all levels in order to ensure high enrollment and quality of education including scholarships and teacher training.

The Act clarifies that free and compulsory education has become the obligation of the government. No child can be held back, expelled or required to pass a board exam till the completion of elementary education. It makes provision for a newly admitted child to be admitted in an age appropriate class. It lays the duty of providing free education on government, local authorities and parents, sharing finances between centre and state governments. It clarifies the standard and norms related to teacher student ratio, infra structural facilities, school working days and teacher working hours. It ensures that the teacher student ratio is maintained in each school and not at the district and state level, preventing urban- rural imbalance in teacher postings. It prohibits teacher being appointed for other duties other than census, election and disaster relief. It provides for the appointment of qualified and trained teachers. Norms and standards of teacher qualification and training are clearly laid down in the Act.

The Act prohibits physical and mental harassment, screening procedures during admission of children or parents, donation, capitation fee, private tuition by teachers and running schools without recognition. It provides for the development of curriculum in accordance with the values enshrined in the constitution. There is a provision for establishment of commissions to supervise the implementation of the act. Section 21 mandates the state government, local bodies and government aided Private schools to constitute School Management Committee (SMCs) consisting of representatives of the local authority, parents or guardians of children admitted in such schools and others, for performing various duties. The SMCs are supposed to ensure enrolment and continued attendance of all children from the neighborhood of the school. It

should ensure the all-round development of the Child, building of child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety, through a system of child centred learning.

The section 12(1)(c) of the RTE Act mandates that unaided and non-minority schools should keep aside 25% seats for unprivileged children of society through a random selection process. Government would fund for the education of those children. No seat in this quota is allowed to be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools(unless the per learner costs in the private schools are lower). All private schools have to apply for recognition, failing which they will be penalized as per the laid down norms. If implemented enthusiastically, this will definitely have a far reaching impact in improving the education system of the country by inclusiveness. It allows parents to send their kids to schools of better quality. The only constraint is the distance between the school and home, rather than financial capacity. It puts students from the economically weaker sections and disadvantaged groups among the relatively privileged children of rather sound financial background. This mix up goes a long way towards inclusive education making all children more pro-social and accommodative, without affecting their academic outcomes. This can enable children from poor families, access quality education. The RTE Act is the first legislation that puts the responsibility of ensuring enrolment, attendance and completion on the government.

Thus, India made constant effort to provide free and compulsory education since the British period. India being a signatory of the United Nations Universal Declaration of Human Rights (1948), it is its international duty to provide free and compulsory elementary education. So efforts were continuously been there to provide free, compulsory and quality elementary education. As it was found that the performance of private schools are better than that of government schools, the government tried to give opportunity for the under privileged children to study in private schools. Section 12 of the RTE Act provides for reservation of 25% of the seats for such children in private schools.

### **1.8 THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) ACT, 2019**

There are some amendments made in the RTE Act, 2009 in the 2019 to make timely changes needed to ensure that the purpose of the act is fulfilled. They are as given below.

- a) The Right to Education Act 2009 prohibits detention of children till they complete elementary education i.e. till class 8. The bill amends this provision to state that a regular examination will be held in class 5 and class 8 at the end of every academic year. If the child fails in the exam, he will be given additional instruction and take re-examination. If he fails in the re-examination, the centre or state government may decide to allow schools to detain the child.
- b) No child shall be expelled from the school till the completion of elementary education.
- c) The provision to section 23(2) of the Act specifies that all teachers at elementary level who, at the commencement of this Act, did not possess the minimum qualifications as laid down under the RTE Act, need to acquire these within a period of five years i.e. 31<sup>st</sup> March, 2015.

### **1.9. RTE IMPLEMENTATION IN GUJARAT**

Gujarat Right of Children to Free and Compulsory Education Rules, 2012 came into force in Gujarat on February 2012. The main objective of RTE implementation in Gujarat is to provide education to each and every child of the state under the Right to Education Act, 2009. Under this scheme, every private school has to keep a separate quota for economically weaker section students so that each and every child can get an education despite their financial condition. The scheme is meant to improve the literacy rate and standard of living among economically weaker sections. The students also become self-dependent. Under this scheme, government provides free education for children of such families who are from economically and socially weak background. The state government provides free education for government schools and also provides Rs. 13,000/- for private school students. Student assistance of Rs. 3000/- is given to the student getting the admission under RTE decided by the state government for the purchase of uniform, shoes, books, transportation charge and school bag and the things ancillary to the study. The student whose presence in the school is 80% or more only shall be eligible for this assistance. If the attendance is less than 80%, the student shall not be eligible for the assistance. If the guardian of the student admitted under RTE has to relocate within the district or any other district in case circumstance, then the school change under RTE is done at the district level. The school must be registered under RTE Act 2009 to get the benefits.

- Under section 12.1.C of RTE Act, 2009, the process of admission for children belonging to weaker and disadvantaged group in Std-1 in recognised private elementary schools in the state on 25% seats is being carried out from the academic year 2013-14.

- As per section 12.2 of RTE Act-2009, the schools which are giving admission under provision of RTE act -2009 Section 12.1.C are reimbursed at the extend of Rs. 10,000/- per child per annum by state government form academic year 2013-14 to 2020-21.
- From academic year 2022-23 state government increased the amount the amount of fee reimbursement from Rs. 10,000/- to Rs. 13,675/- for the schools which are giving admission under the provision of RTE Act-2009 section 12.1.C
- Student assistance Rs. 3000/- per child per annum are paid by state government to children belonging to weaker and disadvantaged group which are enrolled in Std 1 in recognized private elementary schools under the provision of section 12.1.C of RTE Act,2009 from the academic year 2015-16.

(Source: Dept. of Education, RTE Section, Govt. of Gujarat (2023))

**Table: 1.2.***Procedure required for RTE Admission*

<b>Admission Priority List</b>	<b>Documents needed for RTE Admission in Gujarat</b>	<b>Eligibility Criteria</b>
1. Orphan child 2. Child in need of care and protection 3. Children belonging to Child care institution 4. Child labour / children of migrating labourers 5. Mentally challenged/ child cerebral palsy/ CWSN 6. ART therapy seeking children (HIV) 7. Children of martyr soldier 8. Single girl child category 9. Children studying in Anganwadi under state government authority 10. BPL children of given category (SC/ST/SEBC/General) with points 0 to 20 11. SC/ST 12. SEBC/ OBC	1. Student's recent passport size photo 2. Adhaar card of the student 3. Parent's Adhaar Card and other ID 4. Student's Birth Certificate 5. One Address proof 6. School Admission Receipt 7. Family Income Certificate 8. Self-Attested Document 9. Bank Passbook Copy 10. BPL Ration Card, etc	1. The student's age must be above 5 years and below 7 years. 2. The applicant needs to be citizen of Gujarat state 3. The applicant's parent's annual income must not be above INR 68000 per annum (for General Category) 4. Income criteria for SC/ST Category INR 2 Lack per annum 5. Income criteria for Backward class Category applicant is INR 1 lack per annum. 6. Children are allotted seats through online admission process as per admission criteria category, income and school selected by applicants in the distance range of 0-1 Km and 3-6 Km from each participating schools.

## 1.10 HOW RTE ACT IS MANAGED IN DIFFERENT STATES

Right to Education Act has its history in the drafting of Indian constitution at the time of Independence. But it got the status of fundamental right with the inclusion of the Article 21 in the Indian constitution. A rough draft of the bill was prepared in the year 2005 and it was approved by the cabinet on 2 July 2009. It received Presidential assent and was notified as law on 26 August 2009 as The Children's Right to Free and Compulsory Education Act. The law came to effect in the whole of India except Jammu and Kashmir from 1 April 2010. Education being a concurrent issue, both centre and state legislate on the issue. A committee was set up to study the fund requirement and in 2010, the central government agreed to share the funding for the implementation of the Act in the ratio of 65 to 35 between the centre and the states and the ratio of 90 to 10 for the north eastern states. Though the Act was passed by the parliament in 2010, it was implemented in different states and Union Territories in different years. In most of the states, the Act was implemented in 2011, some states including Gujarat in 2012 and in Jammu and Kashmir in 2019 only. The year of implementation of RTE Act, 2009 in different states and Union Territories is given below.

**Table: 1. 3**

*The year of implementation of RTE Act, 2009 in different states and Union Territories*

<b>Year of Implement of RTE Act, 2009</b>	<b>Name of the States</b>	<b>Name of Union Territories</b>
2010	Arunachal Pradesh, Sikkim, Manipur, Odisha and Chandigarh	Andaman and Nicobar Islands, Dadra & Nagar Haveli, Daman and Diu, Lakshadweep and Chandigarh
2011	Andhra Pradesh, Assam, Bihar, Haryana, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Nagaland, Punjab, Rajasthan, Uttarakhand, Uttar Pradesh, Tripura, and Tamil Nadu.	Delhi, Pondicherry
2012	Goa, Gujarat, Karnataka and West Bengal	
2019	Jammu and Kashmir	

## **1.11 MONITORING MECHANISM FOR THE IMPLEMENTATION OF RTE**

For the proper implementation and success of any program, a good monitoring system is very important. The purpose of monitoring is to keep a track on the implementation of the program and its outputs systematically, and also to measure the effectiveness of the programs. The National Commission for Protection of Child Rights (NCPCR) at national level and The State Commission for Protection of Child Rights (SCPCR) or REPA (Right to Education Protection Authority) at state level have been mandated to monitor the implementation of RTE Act. Its function is to examine and review the safeguards for rights provided by this act and enquire into complaints relating to child's right to free and compulsory education. The NCPCR has the power of the civil court. It performs the following functions,

- a) It investigate and review the guards for rights provided by or under this Act and recommend measures for their proper implementation;
- b) Inquire into complaints related to child's right to free and compulsory education; and
- c) Take necessary steps as provided under section 15 and 24 of the Commission for Protection of Child Rights Act.

National Advisory Council at national level and State Advisory Council at state level with persons having knowledge and practical experience in the field of elementary education and child development is constituted to advise the central and state government respectively on the implementation of the provision of the act in an effective manner. A special toll free helpline is given to register complaints. NCPCR invites all civil society groups, students, teachers, administrators, artists, writers, government personnel, legislators, members of the judiciary and all other stakeholders to join hands and work together to build a moment to ensure that every child of this country is in school and enabled to get at least eight years of quality education.

## **1.12 KEY AREAS OF EDUCATIONAL EFFECTIVENESS**

The Right of Children to Free and Compulsory Education (RTE) Act, 2009 lays down the duties of the appropriate government and local authority to ensure that good quality elementary education conforming to norms and standard is provided, curriculum and courses of study are prescribed in a timely manner, and teachers are trained. Educational institutions also need to provide a conducive environment for the holistic development of the students. For this, schools need to look into various areas that focus on their physical, mental, emotional and social development. The RTE Act, 2009 incorporated provisions to see that every student achieve the best of their potential.

### **1.12.1 Equity in Education**

The constitution of India guarantees fundamental rights to all the citizens of India. Cultural and educational rights provided by the constitution says that any of the state can frame a law and provide right to the citizens to form and manage any of the educational institute based on cultural and linguistic minority. The state shall not discriminate in giving educational grants or educational scholarships from the state fund to any of the linguistic or religious minority institutions. Any section of the citizen residing in the territory of India having a distinct language, script or culture of its own shall have the right to conserve the same. No citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds only of religion race, caste or language. So, though education was not declared as a fundamental right, its future was placed in the fundamental right provided to the citizens. Article 38 states, to secure a social order for the promotion of the welfare of the people, - (1) the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. (2) The state shall, in particular, strive to minimize the inequalities in income, endeavor to eliminate inequalities in status, facilities and opportunities not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. Towards Quality with Equity (MHRD) published by NUEPA, New Delhi states that the approach to education development is based on the four mutually supporting strategic priorities, often referred to as Es. These are Expansion, Equity and inclusion, Excellent and Employability. It states that the focus on equity and inclusion is on bridging the gender and social category gaps in participation in education. It also envisages approaches that would help to meet the learning needs of diverse groups of

pupils and provide opportunities for all learners to become successful in their learning experiences.

After a long gap of independence The Right of Children to Free and Compulsory education Act 2009 was implemented in the parliament on April 01, 2010. The Article 21- A of The RTE Act, 2009 guarantees that every child has the right to full time elementary education of satisfactory and of equitable quality in a formal school which satisfies certain essential norms and standards. Making education compulsory means that it is the obligation of the government and local authorities to provide and ensure admission, attendance and completion of elementary education of all children of age group 6-14 years. It makes provision for non-admitted child to be admitted to an age appropriate class. Providing equity means making sure that each and every student has the support and resources needed to become successful. It means providing equal opportunity and chance to learn in the way that best supports their learning style. Providing equity helps to remove barriers so that all students can succeed. The Act attempts to remove the barriers in education by providing educational opportunities to weaker sections of the society. As an attempt towards equity and inclusion, government mandates minimum 25% of the total seats in all private unaided schools to be reserved for children belonging to weaker sections and disadvantaged groups.

### **1.12.2 Quality in Education**

Education is a vital aspect of our society. Education has been key in opening other opportunities. Thus it is important that the education is provided to all and is of good quality. Quality education drives prosperity by empowering individuals and society. When people get quality education, they can break the chain of poverty. This can reduce inequalities and attain gender equality too. It cultivates resilient communities creating peaceful societies. The National Policy on Education (NPE) 1986 envisaged Universal Access and enrolment, Universal retention and improvement in quality of education to achieve essential levels of learning. Sarva Shiksha Abhiyan (SSA) emphasized on accelerating universal access, retention and improvement of quality in Education, bridging the gap in gender and social categories. After the launch of SSA, the monitoring of the quality of education was entrusted to NCERT. NCERT identified the following quality dimensions for elementary education and developed Quality Monitoring Tools (2005) in collaboration with the States/ UTs and MHRD.

- Basic infrastructure and other facilities
- Management and Community support
- School and Classroom Environment
- Curriculum and Teaching Learning Materials
- Teacher and Teacher Preparation
- Opportunity Time (Teaching Learning Time)
- Classroom practices and processes
- Learners, ‘Assessment’ Monitoring and Supervision.

The Right of Children to Free and Compulsory Education (RTE) Act, 2009 lays down the duties of the government and local authority to ensure that good quality elementary education conforming to norms and standards is provided, curriculum and courses of study are prescribed in a timely manner and teachers are trained. There was an amendment made in RTE Rules to include reference on class wise, subject wise learning outcomes. Attempt was made by the government through various programs like Sarva Shiksha Abhiyan and Rastriya Madhyamik Shiksha Abhiyan (RMSA). Further, as per model rules prescribed under RTE Act, 2009 a primary school is provided at a distance of 1 km and an upper primary school is provided at a distance of 3 km. government also provides various facilities to students at all levels in order to ensure high enrolment and quality of education including scholarships and teacher training. Regular monitoring and evaluation is also stressed upon to assess the education provided.

### **1.12.3 Continuity of Education**

Education is the foundation of a prosperous nation. However, dropout rates in Indian schools is a major concern for the policymakers and government. The dropout rate is measured in terms of the percentage of students who leave school before completing their grade. Dropout rate is an important indicator of the effectiveness of the education system. The UDISE+ 2021-22 data show that the dropout rate is highest at the secondary level, with 12.6 percent, followed by upper primary with 3 percent and primary with 1.5 percent. The data reveals that the average dropout rate for girls in primary school is 1.4 percent, compared to 1.6 percent for boys. In upper primary, the dropout rate for girls is 3.3 percent, while the dropout rate for boys is 2.7%. Similarly, in secondary section, the dropout rate for girls is 12.3 percent, while it is 13 percent for boys.

The state wise data revealed that in some states, the dropout rate for girls is significantly higher than the boys. Andhra Pradesh has high dropout rate of 16.3 percent at the secondary level which is much higher than the national average. Assam has a dropout rate of 20.3 percent at the secondary level which is also higher than the national average. Karnataka, Meghalaya, Panjab, Telangana and west Bengal also have the dropout rate higher than national average in the secondary section. In the case of Upper Primary section, many states like Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh Manipur, Meghalaya and Panjab have dropout rate higher than national average of 3.0 percent. In the case of Primary section, many states like Arunachal Pradesh, Assam, Jharkhand, Madhya Pradesh Manipur, Meghalaya and West Bengal have dropout rate higher than national average of 1.5 percent. Gujarat has zero dropout rate for Primary section, 5.0 percent for Upper Primary and 17.9 percent for secondary section. For both Upper Primary and Secondary Section, the dropout rate of Gujarat is higher than national average.

The following is the table showing the average annual dropout rate level of education and gender, 2021-22 by UDISE+ 2021-22.

**Table: 1.4**

*Average Annual Dropout Rate by level of education*

<b>Average Annual Dropout Rate by level of education</b>									
<b>Average Annual Dropout Rate (%)</b>									
<b>India/ State</b>	<b>Primary (1 to 5)</b>			<b>Upper Primary (6 to 8)</b>			<b>Secondary (9 to 10)</b>		
	<b>Boys</b>	<b>Girls</b>	<b>Total</b>	<b>Boys</b>	<b>Girls</b>	<b>Total</b>	<b>Boys</b>	<b>Girls</b>	<b>Total</b>
<b>India</b>	1.6	1.4	1.5	2.7	3.3	3	13	12.3	12.6
<b>Gujarat</b>	0	0	0	4.2	5.8	5	19.4	15.9	17.9

Source: UDISE+ 2021-22

The table reveals that school dropout is a problem in India and in Gujarat. An annual dropout rate of 3% at the end of elementary level in India and at the same time it is 5% in Gujarat. The RTE Act, 2009 offers provisions for students who drop out of the school. The section 2, chapter 2 of the Act, says that it provides children above six years, who have either not been admitted to any schools or having been admitted have not completed elementary education and have dropped out, the right to be admitted to a school in a class appropriate to his or her age for

completing elementary education. The overall objective of age appropriate admission for these children is to save them from humiliation and embarrassment of sitting with younger children. The Act facilitates a child admitted to age appropriate class to be given special training to enable him or her to be at par with other children. Section 5 provides children the right to seek transfer from a government or government aided school to another such school in order to complete elementary education.

#### **1.12.4 Gender sensitivity**

The constitution of India guarantees social, economic and political justice to all its citizens. Cultural and Educational rights says that, any section of the citizens residing in the territory of India or any part having a distinct language, script or culture of its own shall have the right to preserve the same and no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on grounds of any religion, race, caste, language or any of them. Many policies also stressed on the promotion of gender equality in education to reduce the gender gap in access, retention and transition from one grade to another. Thus there was a considerable increase in the enrolment of girl children in elementary education. There is an increase in gender parity index (GPI) in the primary and upper primary level in the first decade of 21<sup>st</sup> century. The Right to Education Act 2009 also prohibits all kinds of discrimination based on gender, caste, class and religion. The right guarantees the quality elementary education to all. It states that every child of age six to fourteen years shall have the right to free and compulsory education in a neighborhood school till the completion of elementary education. This idea is a clear indication about universalization of education and it means all irrespective of gender, caste and socio economic background.

#### **1.12.5 Health and hygiene**

RTE Act stresses on the inclusion of children with diverse backgrounds into the ambit of schooling. Including all the children in equitable ways demands the creation of a safe and healthy environment that ensure the physical and mental well-being of all learners. Thus it highlights the core standards related to health, hygiene, physical and psychological safety in the school. Children require a healthy and supportive environment to develop. They have the right to live in dignity and have access to education in an environment that is safe, protective and conducive to growth and development. RTE Act, 2009 mandates ensuring a positive learning environment for all children in schools. It is therefore imperative that the school

environment is associated with overall growth and development, most importantly, safety and security of the child. RTE Act, 2009 mandates the basic infrastructure and other facilities to be available in school which includes necessary facilities for the health and hygiene of the students. It checks the availability of safe drinking water, toilet for both girls and boys separately, separate kitchen to cook Mid-day meal etc. and proper monitoring of height and weight of the children.

### **1.12.6 Sustainability**

Providing universal education has been one of the main objectives of the governments after independence in India. The Sustainable Development Goals have been a welcome step towards strengthening national commitments towards ensuring inclusive and equitable quality education and promoting lifelong education. The Right to Education Act 2009 made elementary education a legal entitlement for all children in India. It ensured that all children will have eight years of free and compulsory education in the country. Right to Education is considered as a pre-condition for the citizen's ability to exercise other fundamental rights. However the success of any system depends on the sustainability of it. UDISE+ report 2020-21 shows that the total enrolment from primary to higher secondary levels of school education increased by more than 28 lakh over 2019-20. Enrolment increased at all levels of education. The total number of teachers has also shown an increase in 2020-21 compared to 2019-20. But the teachers teaching in only primary and only upper primary has reduced. Overall, the number of teaching and non-teaching staff has improved over years. The report shows that major infrastructure facilities also have improved in 2020-21 compared to the previous year. Some of these are, availability of electricity connection, library with books, computers, internet facility, ramp, CWSN (Children With Special Needs) friendly toilets for girls, and CWSN friendly toilets for boys. The pupil Teacher Ratio (PTR) at all levels of education has improved substantially during the previous years.

### **1.13 COCEPTUAL FRAMEWORK OF THE STUDY**

Right to Education Act, 2009 provides a legal framework which entitles all children of age group 6-14, free and compulsory education, attendance and completion of elementary education. It has become the right of children to get education of equitable quality based on the principle of equity and non-discrimination. RTE Act (2009) has become a constitutional right with the inclusion of Article 21 A in the constitution with the eighty sixth amendment. Article 21-A incorporates the words 'free and compulsory'. By 'Free education' means that no child

shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. The term 'Compulsory education' puts the responsibility of providing and ensuring admission, attendance and completion of elementary education by all children in the 6-14 age groups on the government and local authorities. Thus it becomes the obligation of the central and state government to implement this fundamental right as mentioned in the Article 21 A of the Constitution, in accordance with the provision of RTE. India became one of the 135 countries to make education a fundamental right of every child, when the act finally came in to practice in April 2010.

The RTE Act makes the provisions for the right of children to free and compulsory education in a neighbourhood school till the completion of elementary education. As per RTE Act, 2009, a primary school is provided at a distance of 1 kilometre and an upper-primary school is provided at a distance of 3 kilometres, though the states have notified different neighbourhood norms of their own as per their requirement. Government also provides various facilities to students at all levels in order to ensure high enrolment and quality of education including scholarships and teacher training. The Act clarifies that free and compulsory education has become the obligation of the government. No child can be held back, expelled or required to pass a board exam till the completion of elementary education. It makes provision for a newly admitted child to be admitted in an age appropriate class. It lays the duty of providing free education on government, local authorities and parents, sharing finances between centre and state governments. It clarifies the standard and norms related to teacher student ratio, infra structural facilities, school working days and teacher working hours. It ensures that the teacher student ratio is maintained in each school and not at the district and state level, preventing urban- rural imbalance in teacher postings. It prohibits teacher being appointed for other duties other than census, election and disaster relief. It makes the provision for the appointment of qualified and trained teachers in schools. Norms and standards of teacher qualification and training are clearly laid down in the Act.

The Act prohibits physical and mental harassment, screening procedures during admission of children or parents, donation, capitation fee, private tuition by teachers and running schools without recognition. It provides for the development of curriculum in accordance with the values enshrined in the constitution. The act recommends a provision for establishment of commissions to monitor the implementation of the act. Section 21 mandates that the state government, local bodies and government aided Private schools to constitute School Management Committee (SMCs) which consists of representatives of the local authority,

parents or guardians of the children admitted in such schools and others, for carrying out various duties. The SMCs are supposed to make sure the enrolment and continued attendance of all children from the neighbourhood of the school. It should ensure the all-round development of the Child, building of child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety, through a system of child centred learning. The appropriate government shall prescribe the curriculum and evaluation procedure on the basis of specified norms. The National and State Commission for protection of Child's Right shall be constituted to examine and review the safeguards for the rights of the children. The National and State Advisory Council shall be constituted for advising the government about implementing the provisions of the Act in an effective manner.

The section 12(1)(c) of the RTE Act instructs the non-minority and the unaided schools to keep aside 25% seats for unprivileged children of society through a random selection process. Government would fund for the education of those children. No seat in this quota is allowed to be left vacant. These children admitted in this quota will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools(unless the per learner costs in the private schools are lower). All private schools have to apply for recognition, failing which they will be penalized as per the laid down norms. It allows parents to send their kids to schools of better quality. It puts students from the economically weaker sections and disadvantaged groups among the relatively privileged children of rather sound financial background. This mix up goes a long way towards inclusive education making all children more pro-social and accommodative, without affecting their academic outcomes. The RTE Act is the first legislation that puts the responsibility of ensuring enrolment, attendance and completion on the government.

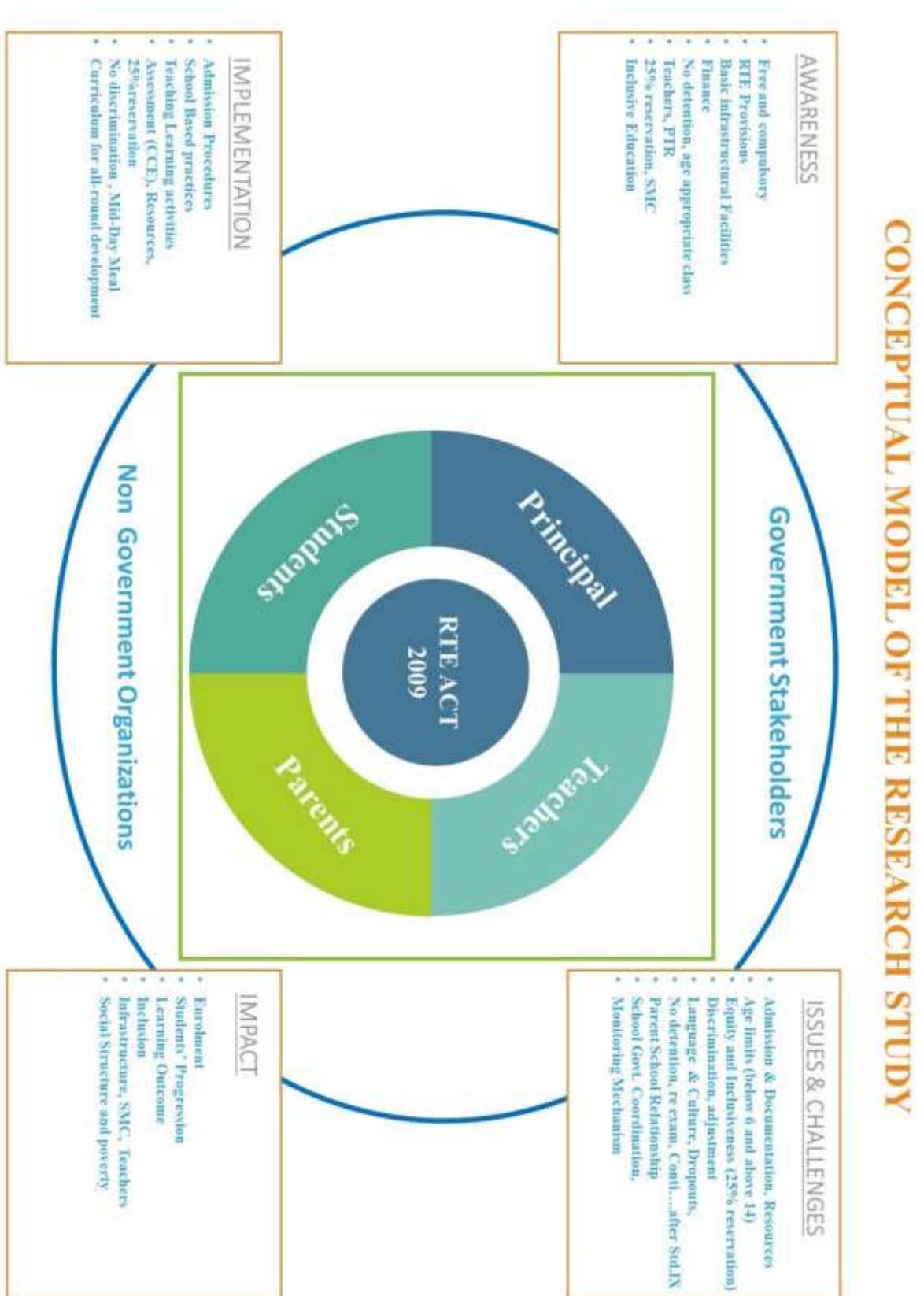
The Right to Education Act 2009 prohibits detention of children till they complete elementary education i.e. till class 8. The Right of Children to free and compulsory Education (amendment) act, 2019 amended this provision to state that a regular examination will be held in class 5 and class 8 at the end of every academic year. If the child fails in the exam, he will be given additional instruction and take re-examination. If he fails in the re-examination, the centre or state government may decide to allow schools to detain the child. It also says that no child shall be expelled from the school till the completion of elementary education. The provision to section 23(2) of the Act had specified that all teachers at elementary level who, at the

commencement of this Act, did not possess the minimum qualifications as laid down under the RTE Act, need to acquire these within a period of five years i.e. 31<sup>st</sup> March 2015.

The study of implementation of Right to Education revolves around the four stakeholders of the Act: principals, teachers, students and their parents along with the government machinery. The four variables of the study include the awareness of the stakeholders about the provisions of the Act, the status of implementation of the Act, impact of its implementation and the issues and challenges pertain to the implementation. The major provisions of the RTE Act includes, free and compulsory education to all the children of age group 6 to 14, provision for neighbourhood schools, prohibition of capitation fee, prohibition of screening procedures for admission, prohibition of detention, expulsion, and corporal punishment, provision for age appropriate class, norms and standards related to infrastructure facilities, qualification and duties of the teachers, pupil teacher ratio, constitution of School Management Committee, implementing child centred and activity based curriculum, reservation of 25% seats in private schools, monitoring mechanism and sharing financial and other responsibilities by central and state government.

**Figure: 1.1**

*The following diagram shows the conceptual framework of the present study.*



Conceptual framework of the study is prepared by keeping the objectives in mind. The researcher adopted mixed method by conducting both qualitative and quantitative analysis to reach the conclusion. The researcher adopted different methods like document analysis, questionnaire, interview and focus group discussion to collect data needed for the study. The data was analysed separately for articulating the findings of the research.

#### **1.14 RATIONALE OF THE STUDY**

Development of the country is possible only when its citizens are educated and enlightened and are able to make use of the scientific and technological development happening around. Development of human resource through education brings prosperity to the country. Universal Declaration of Human Right, 1948 declared that ‘everyone has the right to education’. The Right to Education has been recognized as a human right by International Covenant on Economic, Social and Cultural Rights which recognizes a right to free, compulsory education for all. But, as per the Global Education Monitoring Report 2016 published by UNESCO, 61 million children do not have access to education and 758 million adults in the world are illiterates as they never got the opportunity for education. And as per the Global Monitoring Report (2020), an estimated 258 million children, adolescents and youth, or 17% of the total are not in school. In order to align with the universal goals, India also declared its goal of universalization of education. Right to Education is a strong step in the history of education in India in terms of state’s commitment to provide quality elementary education to all. With RTE Act 2009, India also declared Right to Education as their fundamental right without any discrimination and with equal status. In a country with a lot of diversity, no one should be left behind. The constitution also guarantees that any section of citizen residing in the territory of India having distinct language, script or culture of its own shall have the right to preserve that. Towards Quality with Equity (MHRD) published by NUEPA, New Delhi states that the approach to educational development is based on the four mutually supporting strategic priorities, often referred to as Es. These are Expansion, Equity and inclusion, Excellent and Employability. It states that the focus on equity and inclusion is on bridging the gender and social category gaps in participation in education. It also envisages approaches that helps to meet the learning needs of diverse groups of pupils and provide opportunities for all learners to become successful in their learning experiences. The National Policy on Education (NPE) 1986 and Sarva Shiksha Abhiyan (SSA) envisaged improvement in quality of education to achieve essential levels of learning. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 lays down the duties of the government and local authority to ensure that

good quality elementary education conforming to norms and standards is provided. In this context, the investigator is interested in examining the RTE Act, 2009 from the point of universalization of elementary education.

For the proper implementation of the RTE Act 2009 and to bring all the children to classroom requires a lot of social, political, economic reforms. Proper implementation and success calls for creating necessary infrastructure facilities skilled teachers, and conducive classroom environment. RTE Act 2009 mandates minimum infrastructure facilities needed in schools, as facilities in schools decide the quality of education provided. A general study about the schools showed that there was a vast difference between the schools managed by the private groups and schools managed partially or fully by the government regarding the infrastructural facilities and the technology they adopt. In this context, government made it compulsory to allocate 25% seats for economically disadvantaged group in privately managed schools. At the same time, both granted and non-granted schools might face a lot of challenges while introducing the new concept in their schools. Along with that continuity in education was also challenge faced in the education sector. The UDISE+ 2021-22 data show that in India, the dropout rate was highest at the secondary level, with 12.6 percent, followed by upper primary with 3 percent and primary with 1.5 percent. The data revealed that the average dropout rate for girls in primary school was 1.4 percent, compared to 1.6 percent for boys. In upper primary, the dropout rate for girls was 3.3 percent, whereas the dropout rate for boys was 2.7%. The study revealed that in Gujarat dropout rate was higher than national average of 3.0 percent. So in the study, in general, the focus was studying the infrastructure facilities available in schools, the perception of the principals, teachers, RTE students and their parents on the RTE Act on its impact and issues and challenges related to its implementation and its influence for quality elementary education.

Though the intentions the RTE Act, 2009 are impeccable, it was important to understand the practical difficulties faced by the stakeholders and its feasibility. The major focus was on the 25% reservation quota in the private schools for the disadvantaged and the children from weaker sections of the society. The RTE Act 2009 got implemented in Gujarat from the academic year 2012-13 onwards. In order to study the matters related to the implementation of the Act in Vadodara city, the researcher conducted a study collecting the details during the academic year 2012-13 to 2022-23, to know different aspects of the RTE Act with the completion of ten years. Being a teacher who understands the system of education of Gujarat closely and was well accustomed to the problems of the stakeholders of education system, has enabled the researcher to conduct a critical study of the Act implemented in the country. It was

necessary to study the effectiveness of the Act the way it is perceived by the functionaries and beneficiaries. The researcher found that an elaborate study broadly covering different aspect related to the implementation of the Act was not done in the city of Vadodara. In this context the researcher was interested in the study of implementation of Right to Education Act, 2009 by selecting all the granted and non-granted Elementary schools of Vadodara city, through stratified random sampling. Considering the above points in mind, the investigator conducted the present study to understand the current status of RTE Act 2009 with the following research questions.

### **1.15 RESEARCH QUESTIONS**

1. What impact is made by RTE Act 2009 in fulfilling the aim of Universalisation of Elementary Education in India?
2. Which are the different Educational provisions under RTE Act (2009)?
3. What extent the stakeholders are aware of these Educational provisions?
4. What is the current status of implementation of RTE Act (2009) in Vadodara?
5. What are the emerging issues and challenges in implementing RTE Act (2009)?
6. How RTE Act 2009 is being implemented in different school contexts?
7. Could RTE Act (2009) make any impact on Quality Elementary Education in terms of access, enrolment, equity and learning outcome?

### **1.16 STATEMENT OF THE PROBLEM**

A Study of Implementation of Right to Education (RTE) Act, 2009

### **1.17 OBJECTIVES OF THE STUDY**

The present study will be conducted with the following objectives:

1. To critically examine the RTE Act (2009) from the point of Universalization of Elementary Education in India.
2. To study the awareness among the stakeholders with regard to educational provisions under RTE Act (2009)
3. To study the implementation of the RTE Act (2009) with a view to understand the status of RTE Act (2009)
4. To identify specific issues and challenges faced by different stakeholders.
5. To study the perception of the principals, teachers, parents and students on the RTE Act (2009) and its influence for Quality Elementary Education.

## 1.18 OPERATIONAL DEFINITIONS OF THE TERMS

The term *Critical analysis* means a detailed analysis of the content in RTE Act (2009) and the implementation of the act in a given social context.

The term *Stakeholders* are the people directly affected by the RTE Act, 2009. Here they are the school principals, teachers, students and parents etc.

The term *Status* means the present condition regarding the implementation of the Act, after 10 years of its implementation.

The term *Awareness* means the knowledge of the stakeholders like the principals, teachers, students and teachers about the RTE Act and its provisions along with the amendments made in the Act.

## 1.19 DELIMITATIONS OF THE STUDY

The study is limited to the Schools under RTE Act 2009 in Vadodara City.

## 1.20 ORGANISATION OF CHAPTERS

The present study was conducted to know the status of implementation of RTE Act 2009. The scheme of chaptalization is given below:

**Chapter 1:** The first chapter deals with the introduction, structure of school education in India, elementary education, universalization of elementary education, policy perspectives for quality elementary education in India, quality interventions pertaining to the study, major projects for quality elementary education, constitutional provisions regarding free education in India, Right to Education Act (RTE), 2009, Amendments to RTE Act 2009, and monitoring mechanism for the implementation of RTE Act. It gives the important terms involved, rationale of the study the research questions and organization of chapters. The importance of study is emphasized.

**Chapter 2:** The chapter two is titled as ‘Review of Related Literature’. This literature review seeks to explore related studies in the field of elementary education, universalization of elementary education, studies in the field of other projects in India for universalization of elementary education and right to education (RTE) act, 2009. Chapter 2 provides a detailed account of the Review of Related Literature.

**Chapter 3:** The chapter is titled ‘Research Design and Methodology’ gives a detailed account of the research design and the methodologies adopted by the researcher during the various phases of study. It includes the population of the study, sampling procedure of the survey criteria for the selection of respondents for focus group discussion and interviews, research tool development, pilot study, data collection procedures and data analysis methods.

**Chapter 4:** The analysis of the various data collected from various sources with the help of various tools and its interpretation are given in the chapter 4. It gives overall analysis of all the data collected through quantitative and qualitative methods.

**Chapter 5:** The chapter 5 titled ‘Summery and Conclusion’ describes the main findings from the research based on the objectives and the literature review of the study. The chapter also gives the suggestions for further research.

In the end, in the thesis appendix, bibliography, research tools, and permission letter are provided.

Right to Education (RTE) Act, 2009 is a great step towards universalization of elementary education. A critical analysis of the Act needs an understanding of the researches in the related fields. Hence the researcher reviewed the related literature to get an outline of the study. The researcher tried to understand the awareness of the stakeholders, its status of implementation, impact of implementation, and issues and challenges in the implementation. A detailed description of the reviewed studies and its implication to the present study are given in the next chapter.